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In re Application of :  
Heather Philpott :  
Serial No.: 09/728,748 : PETITION DECISION  
Filed: September 28, 2000 :  
Attorney Docket No.: PH-17 :

This is in response to the petition under 37 CFR 1.181, filed July 18, 2002, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed an Office action to applicant on September 13, 2001, setting a three month shortened statutory period for reply. The Office action included a requirement for information under 37 CFR 1.105. Applicant replied on January 18, 2002, and included an argument in reply to the requirement for information, but declined to provide certain specific information requested by the Office. In view of the failure to supply all of the information requested the examiner held the application abandoned. Such action was proper. (See Star Fruits S.N.C. AND Institute of Experimental Botany v. United States of America et al., DC, Eastern District of Virginia, decision rendered August 27, 2003, unpublished). In view thereof the request to withdraw the Notice of Abandonment cannot be granted.

The petition is **DENIED**. Any request for reconsideration of this decision must be filed within TWO MONTHS of the mailing date thereof. No extension of time will be permitted.

**The application will be forwarded for storage as appropriate.**

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 703-872-9306.

*Jasemine C. Chambers*  
Jasemine C. Chambers  
Director, Technology Center 1600